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This Court has been not merely interpreting and clarifying law—it has been writing it.

The first to say so have been the dissenting opinions of the divided Court. Just this week Justice Black, dissenting from the ruling wiping out New York's wiretap law, accused the majority of usurping the policy-making power of Congress, and writing into the Constitution "words the Court believes the framers should have used but did not." Last week Justice Harlan flatly accused the majority of "amending the Constitution."

"Nothing in the letter or spirit of the Constitution," he said in an earlier dissent, "squares with the heavy-handed, one-sided action" taken by the majority.

"The composition of the court," the late Justice Felix Frankfurter once said, "decisively affects its decisions in the application of Constitutional provisions."

The so-called "Warren Court" has made those works gospel.

Now Justice Clark, frequently a "swing man" in close decisions, has departed. Thurgood Marshall will not be tested for months. But the altered "composition of the Court" again will be debated—in what direction no man now could say. Only history will tell whether the new man is a lawmaker or a jurist.

DR. KING'S CONVICTION

The Supreme Court's majority opinion affirming the conviction of Dr. Martin Luther King Jr. and seven other ministers for contempt of court after they had deliberately violated an injunction issued by a Birmingham judge in 1963 rests upon what strikes us as a sound legal doctrine.

Speaking for the court Justice Stewart said: "The rule of law that Alabama followed in this case reflects a belief that in the fair administration of justice no man can be judge in his own case, however exalted his station, however righteous his motives and irrespective of his race, color, politics or religion. This court cannot hold that (Dr. King and the others) were constitutionally free to ignore all the procedures of the law and carry their battle to the streets. . . . Respect for judicial process is a small price to pay for the civilizing hand of law which alone can give abiding meaning to constitutional freedom."

Justice Stewart was joined in this by Justices Black, Harlan, White and Clark, who has now stepped down from the bench. The dissenters were Chief Justice Warren and Justices Brennan, Douglas and Fortas.

In three opinions they bitterly attacked the majority holding. The details cannot be spelled out in this space. But the essence of the dissents was that the majority by affirming the convictions for violating the injunction, had in effect closed the door to a challenge of a "patently" unconstitutional Birmingham ordinance regulating parades and street demonstrations. The majority, of course, thought otherwise. They said the defendants should have challenged the legality of the injunction before willfully defying it.

We would like to think that the principle announced by the majority would be controlling in the future. But this would be a very dubious assumption in view of the President's nomination of Thurgood Marshall to replace Justice Clark. When a suitable case comes along after the Solicitor General takes his seat on the court, there is a high probability that the holding in the case of Dr. King will be overruled by a new 5 to 4 decision.

IT'S JUST WONDERFUL AND EXCITING—WE'RE NOT OVER THE HILL YET

(By Waughillau La Hay)

"We're in a state of confusion here at home," said Cecelia "Cissy" Marshall, wife of Solicitor General Thurgood Marshall, after

his nomination to the U.S. Supreme Court was announced at the White House yesterday.

The Hawaiian-born wife of the first Negro to be appointed to the highest Bench was speaking from the Marshall home.

"We're not over the hill yet, you know," she cautioned in her soft voice that still has a trace of island accent. "His appointment hasn't been confirmed."

One of the first persons "Cissy" Marshall called was Mrs. Alice Stovall in New York. Mrs. Stovall was the Marshall's secretary during his years as chief counsel of the National Association for the Advancement of Colored People. Mrs. Marshall gave her a list of close friends to call with the big news.

"They—and I mean the President—picked a tremendous person in Mr. Marshall," Mrs. Stovall said. "And Mr. Marshall picked a tremendous person when he married Cissy," she added.

MET IN NEW YORK

They met at NAACP headquarters in New York City. Mr. Marshall's first wife, Vivien "Buster" Burey, whom he married in 1929, died in 1935.

Months after his wife's death, Mr. Marshall started noticing the pretty little secretary of a co-worker at NAACP headquarters. "That's Cecelia Suyat," he was told. She was born in Hawaii of Philippine parents. After attending business school in Hawaii she had come to New York to seek her fortune. An agency sent her to the NAACP and there she made a name for herself as a serious worker and what Mrs. Stovall called "a really excellent secretary."

They were married almost a year after the first Mrs. Marshall's death. Mr. Marshall laid down the law. His wife was to quit work and concentrate on just being married. She gave up her job gladly, but on a few occasions has done some secretarial work for her husband.

They lived in New York after their marriage. In 1961, Mr. Marshall was named by President John F. Kennedy to the Court of Appeals for the second circuit (headquartered in New York), the first Negro to join the U.S. Appeals Bench.

Then, in 1965, President Johnson named him Solicitor General of the U.S. When their sons, Thurgood Jr., who will soon be 11, and John, 9, were out of school, "Cissy" brought them here. The family now lives in a comfortable townhouse not far from Capitol Hill.

TOO BUSY

Mr. Marshall has been too busy for much socializing, but occasionally he escorts his wife to a party. She's quite short, with dark brown hair and bright, snapping black eyes. Her taste in clothes is rather conservative, but smart.

The wife of one of Marshall's associates said, "We don't see them too often at parties, but I must say I've always been very much impressed with Cecelia. She's so pratty and such a warm, outgoing person. And she's as smart as a whip."

Mrs. Marshall devotes most of her time to her home and her family. Both the Marshalls like to cook and concoct fancy dishes. Their sons share their parents' passion for bowling. "Cissy" is a crack bowler and beats them all, but the boys are edging up on her.

Yesterday, however, "Cissy" Marshall had her work cut out for her—answering all the congratulatory wires and telephone calls and visits from friends.

"I've hardly been off the telephone since Thurgood called me from the White House," she said. "It's so exciting. It's just wonderful!"

CRISIS IN WORLD STRATEGY: INTIMIDATION OF PRESIDENT JOHNSON EXPOSED

(Mr. RARICK (at the request of Mr. PRYOR) was granted permission to extend his remarks at this point in the

RECORD and to include extraneous matter.)

Mr. RARICK. Mr. Speaker, in a brief discussion of the current crisis in world strategy in the RECORD of June 14, 1967, at page H 7244, I quoted the immortal 1951 address of Gen. Douglas MacArthur before a joint meeting of the Congress. Its main points are just as applicable today in Vietnam as they were as regards Korea. Thus, I have read with interest and astonishment an article by a columnist of the Washington Post, Marquis Childs, in the May 29, 1967, issue of that newspaper on "The Viet Nam War: Will China Enter?"

In this article I find, in slightly modified form, the Wake Island Conference calumnious falsehood that General MacArthur misled President Truman as to the possible intervention by Red China in Korea, which author Childs cleverly stresses by quoting a relatively unknown writer's description of MacArthur's advance to the Yalu as "one of the most egregiously wrong strategic intelligence estimates in history."

Because of the seriousness of this criticism, I have looked into the matter and my search has been rewarding. The essentials are set forth in Gen. MacArthur's *Reminiscences*—McGraw-Hill, 1964—a "Communication from Maj. Gen. C. A. Willoughby in the Washington Post of May 9, 1964, and an article by John Chamberlain in that paper on April 7, 1967. In view of the completeness of the record it is difficult to understand why the Post permitted the publication of the Childs' article without corrective editorial comment.

The facts about the Wake Island episode are—

First, that near the end of that conference the possibility of Chinese intervention came up in a casual manner.

Second, that the consensus of those present was that Red China had no intention of intervening.

Third, that President Truman asked General MacArthur for his views.

Fourth, that the general replied that the answer could only be "speculative," that neither the State Department nor the Central Intelligence Agency had reported any evidence of intent by Peiping to intervene with major forces, but his own intelligence had reported heavy concentrations of Red Chinese in Manchuria near the Yalu, and that his "own military estimate was that with our largely unopposed air forces, with their potential capable of destroying, at will, bases of attack and lines of supply north as well as south of the Yalu, no Chinese commander would hazard the commitment of large forces upon the devastated Korean Peninsula."—MacArthur, *Reminiscences*, page 362.

Fifth, that there was no disagreement from anyone present as to what MacArthur had stated.

The picture drawn in the Childs article that the President had to go to Wake Island to obtain strategic information on Red China's moves and potential is false. That information was available in Washington in minute detail in daily intelligence summaries and required no confirmation at Wake Island or any other place. Conversely, General MacArthur did not need to make declarations that